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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3100 Port of Benton Blvd • Richland, WA 99352 • (509) 372-7950

September 13, 2005

Mr. Keith A. Klein, Manager
U.S. Department of Energy
Richland Operations Office
P.O. Box 550, MSIN A7-50
Richland, Washington 99352

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EDMC

Dear Mr. Klein:

In early 2003, as they negotiated the Tri-Party Agreement Milestone M-91-03-01 change package, the parties agreed to work from a set of assumptions about the volumes and characterization of the wastes. Using these assumptions, the parties developed an annual mixed low level waste (MLLW) treatment schedule (M-91-42) to ensure that by 2009, no legacy MLLW would be stored at Hanford. The parties also agreed (as evidenced in the M-91-42 milestone language) that if any of the assumptions used to develop the treatment schedule proved to be in error, the parties could come back and revise the treatment schedule.

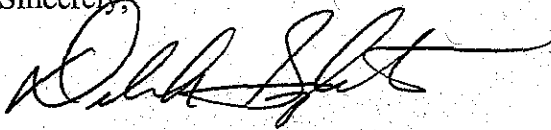
After Fluor Hanford, Inc. spent a year retrieving waste from the burial grounds, the assumption that 80% of the contact handled low level waste removed from the burial grounds would be designated low level waste (LLW) and 20% would be designated mixed LLW was proven to be in error. Fluor Hanford, Inc. is designating all LLW they have retrieved from the burial grounds and shipped to the Central Waste Complex as MLLW. This increase in volume has a significant impact on the amount of MLLW that must be treated by 2009.

Ecology is concerned that the existing yearly treatment schedule is no longer aggressive enough to ensure that the United States Department of Energy meets its 2009 requirements. We are considering the need to adjust those schedules to support our mutual 2009 goals. We have not received your specific written plan for how you will meet the 2009 requirements. We are requesting that you provide us with your plans and/or a strategy by September 30, 2005.

Mr. Keith A. Klein
September 13, 2005
Page 2

If you have any questions, please call me at (509) 372-7923.

Sincerely,



Deborah Singleton
Waste Management Project Manager
Nuclear Waste Program

DS/pll

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Administrative Record: M-91
Environmental Portal